

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NABIL MIKHAIL,	:	
<i>Plaintiff,</i>	:	CIVIL ACTION
v.	:	
	:	
JOLIE KAHN et al.,	:	No. 13-5130
<i>Defendants.</i>	:	

**ORDER**

**AND NOW**, this 13th day of January, 2014, upon consideration of the Defendants' Motions to Dismiss (Docket Nos. 9, 18, 21, 22, 23, 33, 38, 39) and Mr. Mikhail's Responses thereto (Docket Nos. 25, 27, 34, 35, 36, 37, 40, 41), **it is HEREBY ORDERED** that, for the reasons set forth in the Court's accompanying Opinion (Docket No. 44), **the Motions to Dismiss are GRANTED and Mr. Mikhail's Complaint is DISMISSED in its entirety, WITH PREJUDICE in part and WITHOUT PREJUDICE in part, such that:**

1. The *Rooker-Feldman* dismissal is with prejudice as to all harms resulting from the protection from abuse orders themselves, and without prejudice as to harms resulting from an alleged conspiracy in which the defendant judges participated;
2. the *Younger* abstention dismissal is without prejudice;
3. all claims purportedly brought under 18 U.S.C. § 242 are dismissed with prejudice because Mr. Mikhail, as a private individual, cannot initiate a criminal action or compel the state or federal authorities to bring one;
4. all claims against the defendant judges are dismissed with prejudice on the grounds of judicial immunity;
5. under the doctrine of quasi-judicial immunity, the 42 U.S.C. § 1983 damages claims against Anthony Pisa and Maddi-Jane Sobel must be dismissed with prejudice, and the claims for injunctive relief against them, without prejudice;

6. the federal claims against Herbert Lustig must be dismissed as untimely under § 1983's statute of limitations;
7. the federal claims against Court of Common Pleas Judges Arthur Tilson, Emanuel Bertin, and Rhonda Lee Daniele, and Superior Court Judges Mary Jane Bowes, Christine L. Donohue, and Judith Ference Olson, must also additionally be dismissed as untimely under § 1983's statute of limitations;
8. the § 1983 claims against Jolie Kahn, Alan Fellheimer, and the estate of Dorothy Phillips must be dismissed without prejudice because Ms. Kahn and her attorneys were not state actors;
9. the claims against Preston Findlay must be dismissed with prejudice for failure to state a claim;
10. the claims against Sheila Dugan and Chip Minto must be dismissed without prejudice for failure to state a claim;
11. the Court will decline to exercise supplemental jurisdiction over Mr. Mikhail's state law claims because all the federal claims have been dismissed;
12. Mr. Mikhail shall have until February 14, 2014, to file an Amended Complaint;  
*and*
13. the Clerk of Court shall MARK THIS CASE CLOSED for all purposes, including statistics.

BY THE COURT:

s/Gene E.K. Pratter  
GENE E.K. PRATTER  
United States District Judge